

MINUTES

**Baltimore County Planning Board Meeting,
June 20, 2013**

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by the
Baltimore County Planning Board

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Minutes
June 20, 2013

Call to order, introduction of Board members, remarks on procedures by Chairman, and presentation by staff

Chairman Edward Gilliss called the meeting of the Baltimore County Planning Board to order at 4:02 p.m. The following members were:

Present

Mr. Edward J. Gilliss
Mr. Paul Miller
Mr. Randy Thompson
Mr. Eric Lamb
Ms. Nancy Hafford
Mr. Mark Schlossberg
Mr. Scott Jenkins
Mr. John Polek
Mr. N. Scott Phillips
Mr. Rainier C. Harvey, Sr.
Mr. Howard Perlow
Mr. Gerard J. Wit

Absent

Mr. Jeffrey Gordon
Mr. Wayne C. McGinnis
Mr. Scott Holupka

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Donnell Zeigler, Jessie Bialek, Janice Graves, and Kathy Schlabach from the Department of Planning. Also attending the meeting was Dave Thomas from the Department of Public Works.

Review of today's Agenda

There were no changes to the Tentative Agenda as published, which is filed as Appendix A.

Minutes of the June 6, 2013 Meeting

Mr. Miller moved to accept the Minutes of the June 6, 2013 meeting as circulated. Mr. Thompson seconded the Motion, which unanimously passed at 4:06 p.m. Absent were Messrs. Gordon, McGinnis, and Holupka.

A copy of the June 6, 2013 approved Minutes are filed as Appendix B.

Item for Presentation

2012 Baltimore County Annual Growth Report

Ms. Schlabach presented the 2012 Baltimore County Annual Growth Report and provided an explanation of its contents, as required by the Annotated Code of Maryland. The major focus of the report is to

provide a quantitative analysis and reporting of all zoning and development actions which occurred in the previous calendar year in Baltimore County.

Subsequent to the Planning Board's adoption, the 2012 Annual Growth Report will be forwarded to the County Council and Maryland Department of Planning. Mr. Miller moved that the Baltimore County Planning Board adopt the 2012 Annual Growth Report dated June 20, 2013 as prepared by the Department of Planning. Mr. Harvey seconded the Motion, which passed unanimously at 4:22 p.m. Absent were Messrs. Gordon, McGinnis, and Holupka.

A copy of the 2012 Baltimore County Annual Growth Report is filed as Appendix C.

Items for Introduction

1. Cycle 31 Water and Sewer Amendments

Mr. Thomas referred the Planning Board to the Water & Sewerage Plan, Amendment Cycle 31, Staff Report dated July 18, 2013, and filed as Appendix D. Mr. Thomas advised that the Report would also be posted to the County website in the near future.

He advised that there are only three issues this year—Oheb Shalom Cemetery, Reference 13-01, Dyer Property Access, Reference 13-02, and Emerson Farms / SPS Maintenance Building, Reference No. 13-03.

The Oheb Shalom Cemetery is located on Berrymans Lane in Reisterstown, and is zoned RC 4 and DR 2. The Department of Environmental Protection and Sustainability recommends denial of the request. The Department of Planning and the Department of Public Works both recommend W-3 / S-3 on the DR 2 portion of the property, subject to a change in the URDL corresponding to the DR 2 portion of the property.

The Dyer Property Access is located on Berrymans Lane and Nicodemus Road in Reisterstown, and is zoned RC 4. The petitioner requests W-3, S-7. The Department of Environmental Protection and Sustainability recommends denial of the request. The Department of Planning and the Department of Public Works recommends the retention of the existing W-7 / S-7 designation.

The Emerson Farms / SPS Maintenance Building is located at 800 Greenspring Valley Road in Pikesville, and is zoned RC 2. The Department of Environmental Protection and Sustainability recommends approval of a modified special exception to include extension of a public sewer connection, restricted to Saint Paul's School maintenance building only. The Department of Planning and the Department of Public Works recommend retaining the W-7, S-7 designation with the special exception modified to allow extension for the plumbing fixtures required for an 8000 square foot maintenance building only.

Mr. Miller moved that a Public Hearing be set for Thursday, July 18, 2013 at 5:00 p.m. regarding the Water & Sewerage Plan, Cycle 31. Mr. Polek seconded the Motion, which passed unanimously at 4:25 p.m. Absent were Messrs. Gordon, McGinnis, and Holupka.

A copy of the Cycle 31 Water and Sewer Amendments Staff Report is filed as Appendix D.

2. Oheb Shalom Cemetery – URDL Revision

Mr. Mayhew introduced a request from the Oheb Shalom Cemetery to move the URDL for the said property to be concurrent with the water and sewer request made under the Water and Sewerage Plan, Amendment Cycle 31. There is existing public water and sewer that is available to the subject property in

Nicodemus Road, east of Berrymans Lane. Mr. Mayhew recommended that the Board schedule a public hearing for July 18, 2013.

Mr. Miller made a motion to hold a public hearing for the revision of the URDL for the Oheb Shalom Cemetery property on July 18, 2013. The motion was seconded by Mr. Harvey, Sr. and passed unanimously at 4:32 p.m. Absent were Messrs. Gordon, McGinnis, and Holupka.

A copy of the Oheb Shalom Cemetery – URDL Revision Petition is filed as Appendix E.

3. Dyer Property – URDL Revision

Mr. Mayhew introduced a request from the property owners of the Dyer Property (Berrymans Lane and Nicodemus Road) to move the URDL for the said property to be concurrent with the water and sewer request made under the Water and Sewerage Plan, Amendment Cycle 31. There is existing public water and sewer that is available to the subject property in Nicodemus Road, east of Berrymans Lane. Mr. Mayhew recommended that the Board schedule a public hearing for July 18, 2013.

Mr. Miller made a motion to hold a public hearing for the revision of the URDL for the Oheb Shalom Cemetery property on July 18, 2013. The motion was seconded by Mr. Polek and passed unanimously at 4:32 p.m. Absent were Messrs. Gordon, McGinnis, and Holupka.

A copy of the Dyer Property – URDL Revision Petition is filed as Appendix F.

Other Business

4. Landmarks Preservation Commission Report of the September 13, 2012 Meeting

Mr. Gilliss referred the Board members to the written report of major actions from the June 13, 2013 Landmarks Preservation Commission meeting contained in the notebooks.

A copy of the report is filed as Appendix G.

5. Legislation of Interest to the Planning Board

Mr. Murray advised the Board that there were three County Council legislative actions since the last Planning Board meeting that may be of interest to the Board. Mr. Murray gave a brief explanation of the following:

- Bill 36-13 – Parking in Commercial Revitalization Districts
- Res. 42-13 – Rural Legacy Area Plan-List of Five Applications
- Res. 45-13 – Endorsement of Application-MD Department of Housing and Community Development-Glen Manor, LLC

A copy of the legislation presented is filed as Appendix H.

Adjournment of the Board Meeting

Mr. Miller moved to adjourn the Board meeting. Mr. Polek seconded the Motion, which passed unanimously at 4:35 p.m. Absent were Messrs. Gordon, McGinnis, and Holupka.

Public Hearing**
by the
Baltimore County Planning Board

Call to order, introduction of Board members, remarks on procedures by Chairman, and presentations by staff

Chairman Edward Gilliss called the public hearing of the Baltimore County Planning Board to order at 5:02 p.m. The following members were:

Present

Mr. Edward J. Gilliss
Mr. Paul Miller
Mr. Randy Thompson
Mr. Eric Lamb
Ms. Nancy Hafford
Mr. Mark Schlossberg
Mr. Scott Jenkins
Mr. John Polek
Mr. N. Scott Phillips
Mr. Rainier C. Harvey, Sr.
Mr. Howard Perlow
Mr. Gerard J. Wit

Absent

Mr. Jeffrey Gordon
Mr. Wayne C. McGinnis
Mr. Scott Holupka

1. Food Truck Legislation

Mr. Gilliss invited Mr. Zeigler from the Department of Planning to give a presentation on the *Food Truck Regulations Report*. Mr. Zeigler advised the Board that the Maryland Restaurant Association requested Baltimore County review the regulations for mobile food carts as they relate to food trucks.

In response to the request, the Baltimore County Department of Planning reviewed the mobile food cart regulations and solicited input from various stakeholders. The stakeholders included the Maryland Restaurant Association, the Maryland Mobile Food Vending Association, the Towson Chamber of Commerce, and various government agencies.

Mr. Zeigler's presentation covered the phases of the Food Truck Regulations project. Areas covered included project initiation, existing pertinent Baltimore County regulations, project progression in a chronological format, and a presentation of the proposed regulations. Mr. Zeigler also explained how the definitions in the current regulations are unclear or incomplete.

Mr. Zeigler informed the Board that the proposed regulations were created and negotiated entirely by stakeholders representing Mobile Food Vendors, Restaurants, and County Agencies. The proposed regulations sought to define and separate Food Trucks from the already defined mobile food vending units, as well as create a new Food Truck License that would exempt Food Trucks from obtaining a Huckster's license. In the proposed regulations, Food Trucks would be defined in the Zoning Regulations and then described in detail in the Permits, Licenses and Business Regulation section of the County Code. Going forward, the food service/restaurant industry will now have clear direction as to what is and is not permitted with regard to food trucks and competing brick and mortar food service establishments in Baltimore County.

There were 16 speakers registered to address the Planning Board on the Food Truck Legislation agenda item. The speakers consisted of food truck owners, brick and mortar restaurant owners, and citizens that patronize both types of food service establishments. Those that supported the regulations opined that the

legislation was drafted in a fair manner, incorporating the opinions and input from all stakeholders involved. The supporters stated that food trucks and brick and mortar restaurants can co-exist and be of service to customers in the same vicinity. Food trucks are a great way for someone to start out that eventually wants to own a larger brick and mortar restaurant.

Those that opposed the regulations opined that food trucks in close proximity to brick and mortar establishments would have negative impacts on revenue generation and customer patronage. Furthermore, food trucks will occupy valuable on street parking and cause customers to leave and go elsewhere or require them to walk farther to get to the restaurant. Lastly, placing food trucks so close to restaurants is not fair market competition.

A copy of the Food Truck Regulations presentation, draft regulations, and public hearing sign-in sheet is filed as APPENDIX I.

1. Cycle I Zoning Action — Petition for Reclassification-Chestnut Ridge 11700 Falls Road, Case No. R 2013-0199

Mr. Gilliss invited Ms. Bialek from the Department of Planning to give a presentation on the Cycle I Zoning Reclassification Petition for Chestnut Ridge Golf Course, Case R-2013-0199. Ms. Bialek advised the Board that the petitioner, Chestnut Ridge Golf Course, seeks a change in zoning designation(s) and thus filed a petition for reclassification with the Department of Permits, Approvals, and Inspections.

Ms. Bialek advised the Board that between the quadrennial Comprehensive Zoning Map Processes, the zoning maps of Baltimore County can be changed through the Cycle Zoning Process. Ms. Bialek reported that there are two cycles in the Cycle Zoning Process, each having four periods which serve as time frames for which the petition shall be submitted to the Director of Planning, the Director of Permits, Approvals, and Inspections, the Planning Board, and the Board of Appeals.

Ms. Bialek reported that currently the property is zoned RC 7 and that the petitioner requests a reclassification to RC 5. The subject property was rezoned from RC 5 to RC 7 during the 2012 Comprehensive Zoning Map Process (Issue 2-031).

Ms. Bialek also described the existing condition and improvements to the subject site. Currently the subject property is improved as a country club and golf course, including tennis courts and a swimming pool in the northeast quadrant of the property. There is also associated parking that is accessed from Falls Road. The surrounding community is almost entirely rural residential. Many of those residential lots are about 3 acres or less. The site is not served by public water or sewer.

At the time of the 2012 Baltimore County Comprehensive Zoning Map Process (CZMP) the subject property was rezoned from RC 5 to RC 7 in its entirety. The petitioner desires to change the current zoning from RC 7 to RC 5 to be consistent with the zoning designation prior to the 2012 CZMP.

Ms. Bialek presented the recommendation of the Department of Planning, which stated the following: The Department of Planning opines that the RC 5 zoning is consistent with the Master Plan 2020. The RC 5 zoning is compatible with the surrounding uses. Additionally, the Department of Planning recognizes that the prior zoning classification reflects the recommendations of the Department and Planning Board during the 2012 CZMP.

Ms. Bialek closed her presentation by providing the following Board of Appeals hearing schedule wherein the Petition for Reclassification-Chestnut Ridge 11700 Falls Road, Case No. R 2013-0199 will be heard: Wednesday October 23, 2013 at 10:00 a.m., Tuesday October 29, 2013 at 10:00 a.m., and Wednesday October 30, 2013 at 10:00 a.m.

There were 9 speakers that registered to speak at the hearing. The speakers consisted of the professionals directly working on the project and citizens from the area including those representing community

organizations/interest groups. Those that supported the reclassification indicated that the property was used as a golf club since the 1950s, always been rural residential, and that a RC 7 zoning designation is inappropriate for a rural residential land use.

Those that opposed the reclassification were of the opinion that the County Council made the correct decision in changing the zoning designation to RC 7. They indicated that the headwaters of the Jones Falls and Dipping Pond Run which are listed as trout streams are on or around the property; consideration should be given to the quality of life for the community at large and the natural resources; and they believed that Councilwoman Almond made the appropriate decision to zone the subject property RC 7. It was also said that this is the largest contiguous property remaining in the 2nd council district and there is no reason to up-zone the property.

A copy of the Cycle I Zoning Reclassification Petition for Chestnut Ridge, Staff Presentation and Staff Report are filed as Appendix J.

In closing, Mr. Gilliss invited any questions from Board members. Being none, the hearing adjourned at 6:25 p.m.

Cjm

APPROVED CJM-7/18/2013